

JUL 06 2011

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MARTIN VANBUREN BARR III,)
Petitioner,) Case No. 7:10-cv-485
v.) ORDER
COMMONWEALTH OF VIRGINIA, et al.,) By: Hon. Glen E. Conrad
Respondents.) Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is now

ORDERED

as follows:

1. The respondent's motion to dismiss shall be and hereby is **GRANTED**;
2. A certificate of appealability is **DENIED**; and
3. The petition for writ of habeas corpus filed by the petitioner shall be and hereby is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 6th day of July, 2011.



Chief United States District Judge